REMARKS

This application has been carefully reviewed in light of the Office Action dated March 3, 2005. Claims 49 to 54, 68 to 83, 87, 88 and 91 to 95 are in the application, of which Claims 49, 52, 91 and 93 are independent. Reconsideration and further examination are respectfully requested.

Turning first to a formal matter involving the format of amendments, in preparing the instant amendment it was noticed that amendatory language introduced by the Amendment dated March 18, 2004 was not carried forward. In particular, the phrase "resulting from a query" was inadvertently dropped. The amendment set out above re-introduces this language.

The Office Action lodged formal objections against claims 49 to 54, 68 to 83 and 87 to 90. These objections have been attended to by Amendment, largely in line with those suggested in the Office Action, as indicated above.

Likewise, rejections were entered against claims 49 to 54, 68 to 83 and 87 to 90 under 35 U.S.C. § 112, second paragraph. According to the rejection, the phrase "other sets of data" was indefinite such that the metes and bounds of the claims were not clear. In response, and although it is thought that the original phrase was completely clear, the phrase has been changed to "unselected ones of data sets". Withdrawal of the rejection is respectfully requested.

Claims 49 to 54, 68 to 83 and 87 to 90 were rejected under 35 U.S.C. § 102(e) over U.S. Patent 6,243,093 (Czerwinski). The rejection is respectfully traversed.

The invention concerns display of relationships between data sets in a group of data sets resulting from a query. A target data set is selected, and similarities between pairs of unselected ones of the data sets are obtained. A display is made of representations of the unselected ones of the data sets. Specifically, the representations of the unselected ones of the data sets are positioned around a representation of the selected target data set, and the representations of the unselected data sets are spaced in visual proximity to each other based on the similarities between the pairs of the unselected data sets.

It is therefore one feature of the invention that positions of unselected ones of the data sets are determined based at least in part on similarities between pairs of these data sets. Thus, not only is it possible to display a relationship to the selected target data set, but it is also possible to display relationships between the unselected ones of the data sets themselves. Most typically, for example, the unselected ones of the data sets having large similarities between themselves will be clustered together in close proximity with each other, whereas unselected ones of the data sets that do not share a large similarity will be distanced from the cluster.

One representative embodiment of the invention is described in the specification in connection with similarities returned by a map data file that results from a query. As explained commencing on page 27, for example, a map data file contains entries for links between images, such as a link between a first and a fourth image in a sequence, together with a "length" value that represents a link length. When displaying relationships between images, such as the display shown in Figure 2 of the subject

application, unselected images which are similar to each other tend to be clustered together, as shown at 108, with images that are dissimilar to the cluster being displayed at positions away from cluster 108 (such as image 109). Nevertheless, all the unselected images are positioned around a selected image such as image 112.

In the representative embodiment of the invention, this positioning is obtained by the process steps depicted in Figure 9. As shown there, distances between unselected ones of the images are obtained and are adjusted based on the target length as obtained from the map data file. The lengths are adjusted, iteratively, resulting in a display such as that shown in Figure 2.

It is therefore a feature of the invention that similarities are obtained between pairs of unselected ones of data sets in the group of data sets, and it is a further feature of the invention that representations of the unselected ones of the data sets are spaced in visual proximity to each other based on these similarities.

Czerwinski, for its part, shows only a measure of similarity with an "active" object. There is no measure of similarity between pairs of inactive objects. Czerwinski is therefore quite unlike the present invention, since although Czerwinski might show relationships between a selected "active" object and an unselected object, Czerwinski does not show relationships between the unselected objects themselves.

It is therefore respectfully submitted that the claims herein are not anticipated by Czerwinski.

The Office Action further entered rejections of claims 49, 51, 52, 54, 89 and 90 under 35 U.S.C. § 102(e) over U.S. Patent 6,564,206 (Ikeda). The rejections are again traversed, for the reasons of record, since Ikeda is not prior art.

Specifically, and as pointed out in earlier responses, Ikeda's effective date for purposes of a rejection under § 102(e) is October 5, 1999, which corresponds to its filing date in the USPTO. For his part, Applicant believes that he is entitled to the benefit of his April 15, 1999 filing date of his prior art in his application in the United Kingdom, [1] such that Ikeda should be removed as a reference.

In maintaining the rejection over Ikeda, the Office Action took the position that Ikeda's Japanese priority date predates the Applicant's priority date in the United Kingdom. This position is legally unsound, and the Japanese priority date of Ikeda is absolutely irrelevant to the question of a rejection under 102(e). See for example, MPEP §2136.02:

> "35 U.S.C. § 102(e) is explicitly limited to certain references "filed in the <u>United States</u> before the invention thereof by the Applicant (emphasis added). Foreign applications' filing dates that are claimed (via 35 U.S.C. § 119(a) - (d), (f) or 365(a) in applications, which have been published as U.S. or WIPO applications, publications, or patented in the U.S., may <u>not</u> be used as 35 U.S.C. § 102(e) dates for prior arts purposes. . . . Therefore, the foreign priority date of the reference under 35 U.S.C. § 119(a) - (d), (f), and 365(a) <u>cannot be used to antedate the application filing date</u>." (Page MPEP 2100-98, emphasis added)

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[1] A certified copy of the priority document is of record in this case, and it is in the English language. Pursuant to MPEP § 201.15, the Examiner should study this priority application, and determine for himself that the Applicant is entitled to his date.

Thus, the filing date in Japan of Ikeda's Japanese priority documents is not relevant for purposes of a rejection under § 102(e), such that the effective date of Ikeda is confined to its filing date in the USPTO, namely, October 5, 1999.

Moreover, for the reasons set out above, Ikeda is not seen to disclose or to suggest any of the features of the present invention, particularly with regard to positioning representations of unselected data sets at positions spaced in visual proximity to each other based on similarities between pairs of unselected data sets.

It is therefore respectfully submitted that the rejection over Ikeda must be withdrawn.

An Information Disclosure Statement accompanies this Amendment. Consideration of the art cited therein is respectfully requested.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

Michael K. O'Neill
Attorney for Applicant
Registration No.: 32,622

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

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